

**ORIGINAL**

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**  
**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**

ILLINOIS  
COMMERCE COMMISSION

2002 SEP 19 A 11: 22

CHIEF CLERK'S OFFICE

Docket No. 02-0249

Yaodi Hu, )  
)  
Vs. )  
)  
Illinois Power Company )

**Motion to Join City of Danville as Party Respondent**

Now comes Complainant Yaodi Hu, pro-se, respectfully move Illinois Commerce Commission to amend his Complaint to join City of Danville as party respondent in this proceeding, titled Yaodi Hu v. Illinois Power Company, Docket No. 02-0249.

Complainant Yaodi Hu filed his formal Complaint against Illinois Power on April 5, 2002. July 9, 2002, Complainant Yaodi Hu filed his amended Complaint against Illinois Power. August 28, 2002 Yaodi Hu attended the status hearing at ICC. Illinois Power's attorney Shig Yasunaga also attended the status hearing.

During the status hearing on August 28, 2002, Illinois Power repeatedly stated its position that Complainant's Complaint is virtually a complaint against the City of Danville.

In Illinois Power's Answer to the Complainant's Amended Complaint, dated July 30, 2002, Illinois Power twice pointed finger at City of Danville for their failure to provide electricity to the Complainant. See paragraph 11 and paragraph 12 of its Answer.

September 5, 2002, after the August 28 2002 status hearing, Complainant Yaodi Hu had another long conversation with Illinois Power's attorney Shig Yasunaga, during which he reiterated his position that City of Danville, because of its disapproval, is to be blamed for Illinois Power's failure to supply electricity. Complainant Yaodi Hu stated his intention of filing a Motion joining City of Danville as party Respondent, Mr. Yasunaga did not appear to be opposing that Motion.

In both Illinois Power Company and Complainant's data request City of Danville is the primary source of discovery.

The City of Danville has been acting as agent of Illinois Power during the past year, in terms of requiring the Complainant to do what Illinois Power wanted the Complainant to do. The City also retaliated to Complainant's Complaint to ICC against Illinois Power by shutting down Complainant's apartments on June 4, 2002.

September 11, 2002, Illinois Power arranged a settlement conference at its service center in Champaign Illinois. City of Danville, Complainant and Illinois Power were expected to attend. NO representative from the City attended and City also failed to participate through call-in. Without the participation of the City of Danville, the September 11, 2002's settlement conference is not going anywhere.

Complainant Yaodi Hu had several conversations with Mike Federman, Director of Planning & Economic Development of City of Danville, who, together with Mayor of Danville, has the sole authority in interpreting the National Electrical Code, enforced by the City of Danville.

In early September 2002's conversation with Mr. Federman and some other earlier conversation, he expressed his desire to have the City's

interpretation of National Electrical Code to be adjudicated by a higher authority.

Under the 1999 National Electrical Code Article 230-70, main disconnect can be either located inside or outside of the building. Currently, City of Danville takes the position that the City has the discretion to interpret 1999 NEC Article 230-70 in such a way that main disconnect would not be allowed to be located inside the building.

Currently, City of Danville is requiring the Complainant to relocate the main disconnect outside of the building, while Illinois Power is requiring the Complainant to install a 400 AMP electrical meter outside of the building. Under the 1999 NEC, main disconnect and the electrical meter has to stay together. Without Illinois Power requiring the Complainant to install a 400 AMP electrical meter outside of the building, City of Danville can not require the Complainant to relocate the main disconnect outside the building without violating the 1999 National Electrical Code. On the other hand, without City of Danville requiring the Complainant to relocate the main disconnect outside of the building, Illinois Power can not require the Complainant to install a 400 AMP electrical meter outside the building without violating 1999 National Electrical Code. It appears that Illinois Power and the City of Danville is acting in concert in requiring the Complainant relocating the main disconnect and electrical meters outside of the building.

Since the City has been acting as agent of Illinois Power, since City of Danville twice denied permit to Illinois Power to connect power to the Complainant, since City of Danville's interpretation of 1999 NEC is nothing less than rewriting and reconstructing the 1999 NEC, since the City and Illinois Power are currently acting in concert in requiring the Complainant to

install main disconnect and electrical meter outside of the building, since Illinois Power repeatedly pointed out that the Complainant's Complaint is virtually a complaint against, since without City of Danville's green light, the Complainant could not possibly get electrical power from Illinois Power, the City of Danville is an indispensable party to this proceeding. Justice requires that the City to be joined as a party respondent to this proceeding. Therefore, the Complainant respectfully moves this Court to grant his Motion to join City of Danville as party respondent.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Yaodi Hu', written in a cursive style.

Complainant: Yaodi Hu

Phone: (217) 304-3473


Fax (773) 847 3173

428 E. Main Danville IL 61832

## CERTIFICATE OF SERVICE

I, Yaodi Hu, certify that on September 18, 2002, I served a copy of Complainant's Motion to Join City of Danville as Party Respondent by first class mail from Danville IL, postage prepaid to:

Shig William Yasuanga  
Attorney for Illinois Power Company  
500 S. 27<sup>th</sup> st.  
Decatur, IL 62521-2200

Signature: Yaodi Hu  
  
Sept. 18, 2002

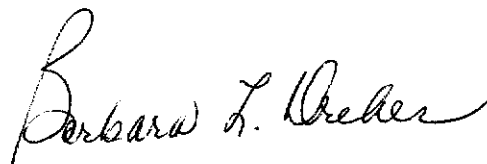
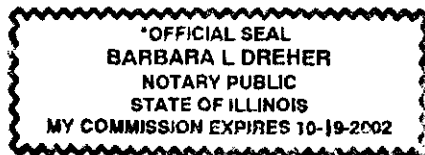
STATE OF ILLINOIS            )  
  )  
COUNTY OF VERMILION        )                    SS

The undersigned, Yaodi Hu, being first duly sworn, on oath,  
deposes and states that he is the Complainant and that he has the  
personal knowledge of the facts and circumstances stated in the  
foregoing Motion and that the statements contained therein are true  
and correct to the best of his information and belief.

Yaodi Hu



Subscribed and sworn to before me the 18<sup>th</sup> of September 2002



Notary Public